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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,380	10/25/1999	WILLIAM S GATLEY	FASV-131-C1	1812

7590 03/22/2002

TERRENCE (TERY) MARTIN
INVENSYS- INTELLECTUAL PROPERTY DEPARTMENT
33 COMMERCIAL STREET
B52-1J
FOXBORO, MA 02035

EXAMINER

PEREZ, GUILLERMO

ART UNIT PAPER NUMBER

2834

DATE MAILED: 03/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/426,380

Applicant(s)

GATLEY ET AL.

Examiner

Guillermo Perez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-32 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 26-32, 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over F. N. Zimmermann et al. (U. S. Pat. 2,891,196) in view of C. W. Kruckeberg (U. S. Pat. 3,495,538).

F. N. Zimmermann et al. substantially teaches the claimed invention except that it does not show that the mounting bracket having a pair of mounting posts positioned in contact with the motor assembly. F. N. Zimmermann et al. do not disclose that the end plate having a pair of columns projecting axially from the end plate. F. N. Zimmermann et al. do not disclose that the columns being positioned in contact with the stator and adapted to attach to the mounting bracket to support the stator, the rotor and the bobbin within the main housing. F. N. Zimmermann et al. do not disclose that the stator having a plurality of electrically conductive laminations. F. N. Zimmermann et al. do not disclose that the rotor having a plurality of laminations. F. N. Zimmermann et al. do not disclose that the mounting bracket including a pair of mounting posts positioned in contact with the stator.

F. N. Zimmermann et al. disclose slots according to definitions provided by The American Heritage ® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company: "A gap between a main and an auxiliary airfoil to provide space for airflow and facilitate the smooth passage of air over the wing."

C. W. Kruckeberg discloses that the mounting bracket (66) having a pair of mounting posts (68) positioned in contact with the motor assembly. C. W. Kruckeberg discloses that the end plate (24) having a pair of columns (62) projecting axially from the end plate (24). C. W. Kruckeberg discloses that the columns (62) being positioned in contact with the stator (52) and adapted to attach to the mounting bracket (66 through flange 14 and plate 18) to support the stator (52), the rotor (48) and the bobbin (56) within the main housing (10). C. W. Kruckeberg discloses that the stator (52) having a plurality of electrically conductive laminations. C. W. Kruckeberg discloses that the rotor (48) having a plurality of laminations. C. W. Kruckeberg discloses that the mounting bracket (66) including a pair of mounting posts (68) positioned in contact with the stator (52). C. W. Kruckeberg's invention has the purpose of firmly holding the different components of the motor for proper operation.

It would have been obvious at the time the invention was made to modify the method disclosed by F. N. Zimmermann et al. and provide it with the mounting bracket, main housing, stator, and rotor configuration disclosed by C. W. Kruckeberg for firmly holding the different components of the motor thus improving reliability during operation.

2. Claims 27, 29-31, 35-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over F. N. Zimmermann et al. in view of C. W. Kruckeberg as applied to claims 26, 34 and 37 above, and further in view of Eheim (U. S. Pat. 3,635,594).

F. N. Zimmermann et al. and C. W. Kruckeberg substantially teaches the claimed invention.

Eheim discloses providing a radially extended portion on the main housing (1) to enclose at least the bobbin, the radially extended portion including vent slots (26) such that rotation of the impeller (28) circulates air through the vent slots (26) in the radially extended portion to cool the motor assembly. Eheim discloses that the end cap (8) includes a plurality of vent slots (26) such that rotation of the impeller (28) circulates air through the vent slots (26) formed in the end cap (8) to cool the motor assembly. Eheim discloses slots according to definitions provided by The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company: "A narrow opening; a groove or slit: a slot for coins in a vending machine; a mail slot." Eheim's invention has the purpose of providing for interchange of cooling air and ventilation of the motor.

It would have been obvious at the time the invention was made to modify the motor of F. N. Zimmermann et al. and C. W. Kruckeberg and provide it with the vent slots configuration disclosed by Eheim for the purpose of providing for interchange of cooling air and ventilation of the motor.

Response to Arguments

Applicant's arguments with respect to claims 26-32, 34-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Application/Control Number: 09/426,380
Art Unit: 2834

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez
March 20, 2002



NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
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